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 Attorney for Defendant
 FAUSTO CRUZ-OCHOA

8 UNITED STATES DISTRICT COURT

9 DISTRICT OF NEVADA

10 THE UNITED STATES OF AMERICA,)
 11 Plaintiff,) 2:16-CR-030-JAD-CWH
 12) (First Request)
 13 vs.)
 14 FAUSTO CRUZ-OCHOA,)
 15 Defendant.)
 16 _____)

17 Certification: This Stipulation and Order is being timely filed.

18 **STIPULATION AND ORDER TO CONTINUE DEADLINE TO**
 19 **FILE OBJECTIONS TO THE PRESENTENCE INVESTIGATION REPORT**
 20 **AND CONTINUE SENTENCING**

21 IT IS HEREBY STIPULATED AND AGREED by and between LANCE A.
 22 MANINGO, ESQ., counsel for the defendant FAUSTO CRUZ-OCHOA, and SUSAN
 23 CUSHMAN, Assistant United States Attorney, that the time to file Presentence Investigation
 24 Report Objections previously due on October 19, 2016, at 5:00 p.m. be elapsed and reset to a
 25 time convenient to the court, but no earlier than ten (10) days from today's date. More, that
 26 sentencing date currently scheduled for November 14, 2016 at 9:00 a.m., be vacated and
 27 continued to a date and time convenient for this Court; however, in no event earlier than thirty
 28 (30) days from the present date of sentencing.

1 This Stipulation is entered into for the following reasons:

- 2 1. That counsel received the Presentence Investigation Report on October 5,
- 3 2016, and it was immediately forwarded to an interpreter to be translated into
- 4 Spanish. Defendant is fluent in Spanish only;
- 5 2. That counsel needs additional time to prepare objections to the Presentence
- 6 Investigation Report and communicate with Defendant;
- 7 3. That the AUSA Susan Cushman is agreeable to the continuance;
- 8 4. That counsel has spoken to his client, FAUSTO CRUZ-OCHOA, who is in
- 9 custody, and he has no objection to the continuance;
- 10 5. That denial of this request for continuance would deny the defendant,
- 11 FAUSTO CRUZ-OCHOA, sufficient time within which to effectively
- 12 make objections to his PSR, if any, and thoroughly prepare for sentencing,
- 13 taking into account the exercise of due diligence; and
- 14 6. That denial of this request for a continuance could result in a miscarriage of
- 15 justice.

16 RESPECTFULLY SUBMITTED this 19th day of October, 2016.

17 Bellon & Maningo, Ltd

18 United States of Attorney

19 */s/ Lance Maningo*

20 */s/ Susan Cushman*

21 By:

22 LANCE A. MANINGO, ESQ.
23 Attorney for Defendant
24 FAUSTO CRUZ-OCHOA

25 SUSAN CUSHMAN, AUSA
26 Attorney for Plaintiff

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3 UNITED STATES DISTRICT COURT
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5 THE UNITED STATES OF AMERICA,)
6 Plaintiff,) 2:16-CR-030-JAD-CWH
7 vs.) (First Request)
8 FAUSTO CRUZ-OCHOA,)
9 Defendant.)
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11 FINDINGS OF FACTS
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13 Based upon the pending Stipulation of the parties, and good cause appearing therefore,
14 the Court finds that:

15 1. The parties have stipulated to continue the deadline to file objections to the
16 Presentence Investigation Report and continue sentencing;
17 2. That counsel received the Presentence Investigation Report on October 5,
18 2016, and it was immediately forwarded to an interpreter to be translated into
19 Spanish. Defendant is fluent in Spanish only;
20 3. That counsel needs additional time to prepare objections to the Presentence
21 Investigation Report and communicate with Defendant;
22 4. That the AUSA Susan Cushman is agreeable to the continuance;
23 5. That counsel has spoken to his client, FAUSTO CRUZ-OCHOA, who is in
24 custody, and he has no objection to the continuance;
25 6. That denial of this request for continuance would deny the defendant,
26 FAUSTO CRUZ-OCHOA, sufficient time within which to effectively
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1 make objections to his PSR and thoroughly prepare for sentencing, taking
2 into account the exercise of due diligence;

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4 7. That denial of this request for a continuance could result in a miscarriage of
5 justice

6 **CONCLUSIONS OF LAW**

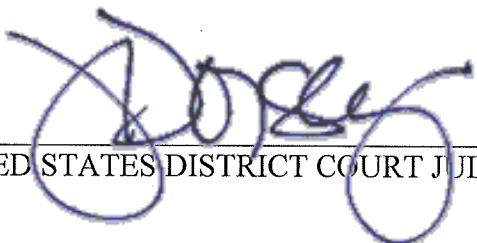
7 The ends of justice served by granting said continuance outweigh the best interests
8 of the public and the defendant, since the failure to grant said continuance would be likely to
9 result in a miscarriage of justice.

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11 **ORDER**

12 IT IS THEREFORE ORDERED that the deadline to file objections to the
13 Presentence Investigation Report, previously set for October 19, 2016 is elapsed and
14 continued to November 16, 2016.

15 IT IS FURTHER ORDERED that the that sentencing in this matter currently scheduled
16 for November 14, 2016 at 9:00 a.m. be vacated and continued to December 19, 2016 at
17 2:30 p.m.

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19 DATED this 21st day of October, 2016.

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UNITED STATES DISTRICT COURT JUDGE

Respectfully submitted by:

/s/ Lance Maningo
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732 S. Sixth Street, Suite 102
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Attorney for Defendant
FAUSTO CRUZ-OCHOA